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NIRAV D. PARIKH 25-LDP
OWENS-ILLINOIS, INC.
ONE SEAGATE
TOLEDO, OH 43666

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OFFICE OF PETITIONS

In re Application of :
Dan M. Hayes, et al. :
Application No: 09/942,899 : **ON PETITION**
Filed: August 30, 2001 :
Attorney Docket No. 17783 USA :

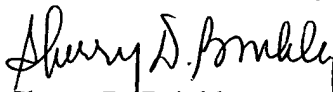
This is a decision in response to a petition, filed May 12, 2003, under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED** as moot in view of the argument contained in the "Request for Withdrawal of Petition to Revive Under 37 CFR 1.137(b), (c) and (f)" filed by facsimile transmission on October 3, 2003.

The request for a refund of the \$1300 petition fee is GRANTED.

Any inquiries concerning this decision may be directed to Sherry D. Brinkley at (703) 305-9220.

This application is being referred to Technology Center Art Unit 2100 for further prosecution.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy